

# MEMO ENDORSED

Bryan A. McKenna  
Attorney at Law  
590 Madison Avenue – 18<sup>th</sup> Floor  
New York, New York 10022

bam@mckennalegal.nyc

(516) 409-6763  
Cell: (516) 707-1234  
Facsimile: (516) 742-5278

July 6, 2021

Via CM/ECF

Hon. Judge Kenneth M. Karas  
United States District Court – Southern District of New York  
300 Quarropas Street  
533 White Plains, NY 10601-4150

Re: Securities & Exchange Commission v. Bronson, *et al.* – Case No. 7:18-cv-06421-KMK

Dear Judge Karas:

We represent John Kellas, a subpoenaed witness in this action. We write to request that the Court permit Mr. Kellas to appear at tomorrow's hearing telephonically. The reason for this request is that Mr. Kellas's physical condition is such that appearing in Court will cause a great physical and emotional burden to him.

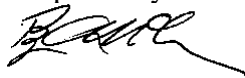
Mr. Kellas is 74 years old and suffers from a series of abdominal hernias. This condition causes him such discomfort that he has difficulty traveling and even walking. Additionally, the pressure these hernias have introduced have resulted in Mr. Kellas suffering from incontinence. Accordingly, Mr. Kellas has asked me to request that he be permitted to take part in the conference telephonically. If granted, unless ordered otherwise, I will go to Mr. Kellas's home and also take part in the conference by telephone.

I note to the Court that I had intended to send this request earlier, and I had asked Mr. Kellas to obtain a letter from his physician, but Mr. Kellas was unable to get an appointment in time for this request.

For this reason, non-party witness John Kellas respectfully requests that he be permitted to take part in the Court's conference by telephone.

Thank you for your consideration in this matter.

Respectfully submitted,



Bryan A. McKenna

CC: All counsel via CM/ECF

The Application is denied. Mr. Kellas was notified on May 25, 2021 — well over a month ago — that he was expected to appear and testify in this matter. (Dkt. No. 245). Yet, he has waited until *the day before* the hearing to ask to appear remotely. The excuse, that he could not get a doctor's appointment, is specious at best, especially given that the proffered medical issues do not present as recent vintage. Moreover, the testimony is not expected to last very long, so the claims regarding the "physical and emotional burden" are unpersuasive, particularly in the context of his expected testimony.

SO ORDERED

  
KENNETH M. KARAS U.S.D.J.

July 6, 2021